

Decision No. R14-0339-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13G-1190TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

NITRO TOWING AND RECOVERY INC.,

RESPONDENT.

PROCEEDING NO. 13G-1166TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

NITRO TOWING AND RECOVERY INC.,

RESPONDENT.

PROCEEDING NO. 13G-1165TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

NITRO TOWING AND RECOVERY INC.,

RESPONDENT.

PROCEEDING NO. 14G-0220TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

NITRO TOWING AND RECOVERY INC.,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
GRANTING MOTION AND
CONSOLIDATING PROCEEDINGS**

Mailed Date: March 28, 2014

I. STATEMENT

1. On March 13, 2014, Staff's Motion to Consolidate Proceeding Nos. 13G-1165TO, 13G-1166TO and 13G-1190TO with CPAN 108589 and to Waive Response Time was filed.

2. By Decision No. R14-0017-I, Proceeding Nos. 13G-1165TO, 13G-1166TO, and 13G-1190TO were consolidated on January 7, 2014.

3. In February 2014, the Commission issued Civil Penalty Assessment Notice or Notice of Complaint No. 108589. This CPAN commenced Proceeding No. 14G-0220TO.

4. In the motion, Staff of the Commission (Staff) contends that the additional proceeding should be consolidated to further administrative efficiency through consolidation of all pending matters between identical parties in one hearing. Consolidation will reduce litigation and expense for the parties.

5. No response has been filed in opposition to Staff's motion.

6. *Rule 1402 of the Rules of Practice and Procedure, 4 Code of Colorado Regulations* 723-1 provides that the “Commission may, upon its own initiative or upon the motion of a party, consolidate proceedings where the issues are substantially similar and the rights of the parties will not be prejudiced.”

7. Based upon good cause shown for the unopposed request, the Administrative Law Judge (ALJ) finds that the issues in the proceedings are substantially similar. The ALJ further finds that consolidation of the matters that are the subjects of Proceeding Nos. 13G-1190TO, 13G-1166TO, 13G-1165TO, and 14G-0220TO will promote administrative efficiency. No party will be prejudiced by consolidation. Proceeding No. 14G-0220TO will be consolidated with Proceeding Nos. 13G-1190TO, 13G-1166TO, and 13G-1165TO.

II. ORDER

A. It Is Ordered That:

1. Proceeding No. 14G-0220TO will be consolidated with Proceeding Nos. 13G-1190TO, 13G-1166TO, and 13G-1165TO. Proceeding No. 13G-1190TO is the primary Proceeding.

2. All parties in each proceeding, by this Decision, become parties in the consolidated proceeding. The parties shall modify their certificates of service accordingly.

3. All proceeding numbers and captions in the consolidated proceeding shall be listed on all future filings, as on this Decision. The primary proceeding number stated in Ordering Paragraph 1 above and its caption shall appear first.

4. The filing requirements of *Rule 1204 of the Rules of Practice and Procedure, 4 Code of Colorado Regulations 723-1* are modified as set forth in this Ordering Paragraph. In this consolidated proceeding, parties shall file an original and the number of copies of all filings provided for in Commission rules under the primary proceeding, Proceeding No. 13G-1190TO; no copies shall be filed in the additional proceedings consolidated.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director